

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO. 3:15-CR-431-K
	§	
MAN KHAC NGUYEN (01)	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Psychological Evaluation Report (“Report”) by Robert Johnson, PhD., and Lisa Bellah, Ph.D., filed on January 15, 2016. The Court referred this Report and case as to Defendant Man Khac Nguyen to U.S. Magistrate Judge Paul D. Stickney, on February 4, 2016, for a competency hearing.

On March 7, 2016, U.S. Magistrate Judge Paul D. Stickney held a competency hearing regarding this Report, and Defendant Nguyen offered no objection to the report, and through counsel, offered no evidence or argument.

No objections have been filed by the Government or Defendant, and both sides moved the Court to accept and follow the report’s recommendation. The District Court has reviewed the proposed findings and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings and Recommendation of the United States Magistrate Judge.

It is **ORDERED** that the findings contained in the Report by Robert Johnson, PhD., and Lisa Bellah, Ph.D., of Defendant Man Khac Nguyen regarding incompetency, are hereby adopted.

Therefore, the Court finds by a preponderance of the evidence that Defendant Man Khac Nguyen is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense.

A separate order will issue remanding Defendant Man Khac Nguyen to a Federal Medical Center for an attempt at competency restoration pursuant to 18 U.S.C. § 4241(d). A recommendation will be made to the Bureau of Prisons, that if all possible, Defendant be placed in a facility located in Texas, to better facilitate interaction between the Defendant and his family.

SO ORDERED.

Signed March 23rd, 2016.

A handwritten signature in black ink, reading "Ed Kinkeade", is written over a horizontal line.

ED KINKEADE

UNITED STATES DISTRICT JUDGE